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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,039	12/22/1999	RICHARD CORNELIUS	AND1P392	5692

29838 7590 03/10/2004

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EXAMINER

JAKETIC, BRYAN J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/10/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,039

Applicant(s)

CORNELIUS ET AL.

Examiner

Bryan Jaketic

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-10,12-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,12-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-4, 6-10, 12-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camp et al in view of Ginter et al. Camp et al disclose a method and system for initiation of an agreement utilizing a network, comprising the steps of allowing a buyer and seller to negotiate terms of trade, wherein the buyer transmits a form indicating the terms of the trade and an identifier (col. 7, line 45 through col. 8, line 26). The bank then authenticates the identity of the buyer (col. 7, lines 45-53). The form is then sent to the bank for assessing the credit of the buyer, and is then forwarded to the seller along with the assessment (col. 8, lines 47-67; see also col. 10, lines 53-54). The seller then digitally signs the form, and it is received by the buyer, serving as

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notice that the agreement is initiated (col. 9, lines 47-51). The form is a combined purchase order proforma invoice (see col. 8, lines 15-27 and col. 9, lines 47-51).

Camp et al do not teach the step of trading on-line term negotiation forms via a network. Ginter et al teach a method of electronic negotiation comprising the step of trading on-line term negotiation forms via a network (see col. 270, line 66 through col. 271, line 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Ginter et al with the invention of Camp et al to provide the trading of on-line term negotiation forms via a network to quickly achieve a contract that is acceptable to both parties.

Camp et al do not disclose a computer program embodied on a computer readable medium. However, the system of Camp is automated, and it is inherent that the system there uses a computer program embodied on a computer readable medium.

Camp et al do not disclose the step of entering the terms of the online trade into a form that is sent via the network. However, online forms are common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ an online form to send the terms of the online trade because online forms provide an efficient means for entering and processing information.

Camp et al do not disclose the use of a wide area network. However, wide area networks are common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a wide area network with the invention of Camp et al, because a wide area network is a convenient means of communication.

Camp et al do not disclose the use of a password. However, it is common in the art to require a user to use a password to prove his identification. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of requiring a user to submit a password in the invention of Camp et al in order to verify the user's identity.

Camp et al do not disclose the step of verifying the credit of the seller. However, it is common in the art for a consumer to check the reputation of an unknown merchant. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the step of verifying the credit of the seller in the invention of Camp et al to appease the buyer.

Response to Arguments

4. Applicant's arguments with respect to claims 1-4, 6-10, 12-16 and 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bj


3/9/04